

PATENT APPLICATION  
Serial No. 09/728,670  
Confirmation No. 5574  
ATTORNEY'S DOCKET NO.: 702-001525

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1646 :  
In re Application of :  
**Desiré José COLLEN** : **STAPHYLOKINASE DERIVATIVES**  
Serial No. 09/728,670 :  
Filed November 30, 2000 :  
Examiner Michael D. Pak :  
Pittsburgh, Pennsylvania  
February 14, 2003

**COMMUNICATION**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Communication is NOT responsive to the Office Action mailed February 3, 2003, which is believed to have been issued in error and which, it is respectfully requested, should be withdrawn.

I hereby certify that this correspondence is being sent by facsimile transmission to Commissioner for Patents at 703-308-4242 on February 14, 2003.

Anna Rosenatcin  
(Name of Person Making Deposit)

  
Signature

2/14/03  
Date

On November 30, 2000, the above-identified patent application was filed. The application papers included a Preliminary Amendment which cancelled claims 1-12 and added new claims 13-21. The accompanying fee calculation sheet showed a total of 9 claims (not 12), corresponding to the number of claims in the Preliminary Amendment, and the "Utility Patent Application Transmittal" identified that a Preliminary Amendment was included with the application papers. The Preliminary Amendment, fee calculation sheet, "Utility Patent Application Transmittal," and a copy of the postcard receipt are attached.

The February 3, 2003 Action identifies that the Examiner is in possession of a single page of the Preliminary Amendment. Apparently all but one page of the Preliminary Amendment became detached from the patent application after the patent application was received by the United States Patent and Trademark Office. Examiner Pak is requested to enter the Preliminary Amendment and to withdraw or otherwise void the February 3, 2003 Office Action. Upon entry of the Preliminary Amendment, the Election filed on December 18, 2002 will logically follow, as it elects with traverse claims 13-17 and 20-21 as appear in the Preliminary Amendment.

If for some reason the February 3, 2003 Office Action cannot be withdrawn outright in view of the accompanying papers, and Applicant sincerely hopes this will not be the case, Applicant respectfully requests that at least the February 3, 2003 Office Action be withdrawn and reissued as a "bona fide" nonresponsive Action setting a one-month period for response. Applicant had no idea that the Preliminary Amendment had not been received by the Examiner until February 6, 2003, and payment of extension of time fees so late after filing will represent a great hardship to the Applicant when he had, in fact, submitted his Preliminary Amendment at the time of filing and had later elected the proper claims according to the Preliminary Amendment when called upon to do so. The efforts of

{W0043450.1}

Examiner Pak to correct this apparent loss of papers within the USPTO, without subjecting the Applicant to large extension of time fees, will be greatly appreciated.

Respectfully submitted,

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By 

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PATENT APPLICATION  
Atty. Docket No. 702-001525

#15/C  
DMT  
2-26-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit Not Yet Assigned :  
In re application of :  
Desiré José COLLEN : **NEW STAPHYLOKINASE  
DERIVATIVES**  
Serial No. Not Yet Assigned :  
Examiner – Not Yet Assigned :

Pittsburgh, Pennsylvania  
November 29, 2000

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

IN THE SPECIFICATION:

On page 3, after the title and before line 1, insert the following headings and paragraph:

CROSS-REFERENCE TO RELATED APPLICATIONS

ci  
This application is a divisional of United States Patent Application Serial No. 09/020,018, filed February 6, 1998, which is a continuation-in-part of United States Patent Application Serial No. 08/784,971, filed January 16, 1997, now United States Patent No. 5,951,980, issued September 14, 1999, which is a continuation-in-part of United States Patent Application Serial No. 08/499,092, filed July 6, 1995, which is a continuation-in-part of United States Patent Application Serial No. 08/371,505, filed January 11, 1995, now United States Patent No. 5,695,754, issued December 9, 1997.